BILL NO. S-92-12-02

SPECIAL ORDINANCE NO. S-209-92

AN ORDINANCE approving the awarding of Reference #1616 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **AKZO SALT INC.** for the Street Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1616 between the City of Fort Wayne, by and through its Department of Purchasing and **AKZO SALT INC.** for the Street Department, respectfully for:

the purchase of type I bulk rock salt for the Street Department

involving a total cost of Nine Hundred Forty-Three Thousand Five Hundred and no/100 Dollars ($943,500.00), all as more particularly set forth in said Reference #1616, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

REF. NO.:	1616
DEPT:	STREET DEPARTMENT
DATE:	12/03/92
ITEM/SERVICE:	TYPE I BULK ROCK SALT
PURCHASING INFORMATION	
ADVERTISED BID:	YES
DATES ADVERTISED:	11/02/92 & 11/09/92
OPENING DATE:	11/19/92
WRITTEN QUOTE:	NO
DUE DATE:	
VERBAL QUOTE:	NO
SINGLE SOURCE:	NO
NO. OF VENDORS NOTIFIED:	9
NO. OF VENDORS RECEIVING BID:	4
NO. OF VENDORS RETURNING BID:	3
NO. OF VENDORS DISQUALIFIED:	0
NO. OF VENDORS NOT RESPONDING:	1
DATE SENT TO DEPT FOR RECOMM:	11/23/92
DATE RECOMMENDATION REC'D IN PURCH	12/02/92
COUNCIL INFORMATION	DATES SENT EXTENSION DATES
DATE INFO SENT TO LAW DEPT:	12/03/92
INTRODUCTION DATE:	12/08/92
DISCUSSION DATE:	12/15/92
PASSAGE DATE:	12/22/92
ORDINANCE NO:	
AMOUNT APPROVED AND/OR SPENT LAST YEAR:	

I.T.B. # 1616
BULK ROCK SALT
OPENED: 11/19/92

DESCRIPTION	QTY	MORTON INT'L SALT		NORTH AMER SALT CO		AKZO SALT	
DELIVERED	30000	$35.95	$1,078,500.00	$32.45	$973,500.00	$31.45	$943,500.00
PICKED-UP	30000	$31.00	$930,000.00	$29.00	$870,000.00	$29.50	$885,000.00

PICK-UP SITE	TOLEDO, OH	TOLEDO, OH	FORT WAYNE, IN
DELIVERY ARO	3-5 DAYS	3-5 DAYS	1-3 DAYS

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE NOVEMBER 19, 1992 BID REFERENCE # 1616

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR TYPE I BULK ROCK SALT AS PER SPECIFICATIONS

AND REQUESTED BY STREET DEPARTMENT

THIS BID REQUIRES A XXX 5% BID BOND OR CERTIFIED CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: NONE %
IF PAID WITHIN _____ DAYS. TERMS: Net 30 days

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME Akzo Salt Inc.

STREET ADDRESS Morgan Highway, P. O. Box 352

CITY Clarks Summit, PA 18411-0352 PHONE # 1-800-752-7258

BY _____
REPRESENTATIVE SIGNATURE
ROBERT H. JONES, Vice Pres.-Bidding & Marketing

CITY OF FORT WAYNE
SALT REQUIREMENTS

THE CITY OF FORT WAYNE, INDIANA, IS REQUESTING BIDS FOR THE PURCHASE OF TYPE 1 BULK ROCK SALT, COARSE-CRUSHED SODIUM CHLORIDE - TO BE USED FOR ICE AND SNOW REMOVAL AND CONTROL WHICH SHALL BE CHEMICALLY TREATED TO PREVENT HARDENING.

PRICES BID SHALL BE FOR A MINIMUM OF 20-21 TONS PER LOAD DELIVERED TO ANY LOCATION IN FORT WAYNE, INDIANA, VIA INSTRUCTIONS FROM THE STREET COMMISSIONER, BOARD OF PUBLIC WORKS OR THE DIRECTOR OF PURCHASING, OR PICKED-UP.

PRICES BID MUST BE EXACT AND HELD FIRM THROUGH THE TERM OF AGREEMENT. THERE SHALL BE NO ADDITIONAL CHARGES FOR DELIVERY, HANDLING OR ANY OTHER MISCELLANEOUS FEES.

THE ANNUAL REQUIREMENTS FOR BULK ROCK SALT ARE ESTIMATES ONLY. ACTUAL QUANTITIES PURCHASED MAY BE MORE OR LESS.

TERM OF AGREEMENT: JANUARY 1, 1993 THRU DECEMBER 31, 1993.

	PRICE PER TON	ESTIMATED TOTAL
ESTIMATED TONS:	30000 +/-	
PRICE FOR DELIVERED:	$ 31.45	$ 943,500.00
PRICE FOR PICKED-UP:	$ 29.50	$ 885,000.00
LOCATION OF PICK UP SITE:	Ft. Wayne, Indiana	
TIME OF DELIVERY OF EACH ORDER:	1 to 3 days ARO	
TERMS:	Net 30 days from shipment	

(PLEASE REFER TO ATTACHED ADDENDUM FOR ADDITIONAL INFORMATION)

PLEASE BASE BID BOND REQUIREMENTS ON YOUR ESTIMATED TOTAL PRICE FOR DELIVERED BULK ROCK SALT.

Prescribed by the State Board of Accounts — Form No. 95 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: 11/16/92

1. Governmental Unit: CITY FORT WAYNE, INDIANA
2. County: Allen
3. Bidder (Firm): Akzo Salt Inc.
   Address: P. O. Box 352
   City/State: Clarks Summit, PA 18411-0352
4. Telephone Number: 1-800-752-7258
5. Agent of Bidder (If applicable): ROBERT H. JONES

Pursuant to notices given, the undersigned offers bid(s) to CITY FT. WAYNE, IN (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Signature of Bidder or Agent

ROBERT H. JONES, Vice Pres.-Bidding & Marketing

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

(PLEASE REFER TO ATTACHED ADDENDUM FOR ADDITIONAL INFORMATOIN)

NON-COLLUSION AFFIDAVIT

STATE OF ~~INDIANA~~ PENNSYLVANIA XXXXX)
) SS:
LACKAWANNA COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Akzo Salt Inc.
Bidder (Firm)

ROBERT H.JONES
Vice Pres.-Bidding & Marketing
Signature of Bidder or Agent

Subscribed and sworn to before me this 16th day of November, 92

My Commission Expires: 9/23/93
County of Residence: Lackawanna

Barbara A. Henshaw
Notary Public

BARBARA A. HENSHAW
Notary Public Printed Name

NOTARIAL SEAL
BARBARA A. HENSHAW; Notary Public
Abington Township, Lackawanna County
My Commission Expires Sept. 23, 1993

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____
_____ _____
_____ _____

AKZO

Salt Division

ADDENDUM

CLASS OR ITEM	QUANTITY	UNIT	QUALITY — DESCRIPTION	UNIT PRICE	AMOUNT
ROCK SALT	30,000	TONS	BULK ICE CONTROL ROCK SALT Truck Delivery Minimum truckload - 21 tons	$31.45 per ton	$943,500.00
			Pick up at our Fort Wayne Depot Minimum pick up - 5 tons	$29.50 per ton	$885,000.00
			Terms of payment are net 30 days from shipment. Bulk rock salt will be treated with an anti-caking agent. OUR ROCK SALT IS MINED IN THE U.S.A. BY AMERICAN LABOR. We will protect our quoted prices on deliveries and pick ups prior to and including 12/31/93 provided our quote is accepted within 90 days from your bid opening date of 11/19/92. Attached is our certified check in the amount of $47,175.00, Affirmative Action Plan, Material Safety Data Sheet and Certified Copy of Resolution. Two lb. salt sample is being mailed under separate cover. ROBERT H. JONES, VicePres. Bidding & Marketing		

International
Salt Company
Abington
Executive Park
Clarks Summit,
Pennsylvania 18411
Phone and Fax:
717/587-5131
Cable: ISCO,
Clarks Summit, PA
Telex: 83-1872

AKZO SALT INC.

CERTIFIED RESOLUTION

I, the undersigned, Assistant Secretary of Akzo Salt Inc., a corporation duly organized and existing under the laws of the State of New Jersey and having its principal place of business in Clarks Summit, Pennsylvania, hereby certify that the following is a true copy of a certain resolution duly adopted by the Board of Directors of said corporation in accordance with its By-laws, and recorded in the minutes on May 15, 1985 and not subsequently rescinded or modified:

> RESOLVED, that the President, all Senior Vice Presidents, Vice Presidents, Directors, Secretary, Assistant Secretary, Manager Divisional Planning and Logistics, Regional Highway Managers and Highway Territory Managers of this Company, or any of them, be and they hereby are authorized to execute on behalf of this Company all documents required for or incident to this Company's offer to sell to states, commonwealths, municipalities and governmental entities, rock salt for ice control purposes, the foregoing authority to continue until and unless specifically modified or withdrawn by the Board of Directors of this Company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and the Company seal of said corporation this 16th day of Nov., 19 92.

(Corporate Seal)

Joseph C. Menik

Joseph C. Menik
Assistant Secretary

Read the first time in full and on motion by Gia Quinta, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 12-8-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT				✓
TALARICO	✓			

DATED: 12-22-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) ~~(ZONING)~~ ORDINANCE ~~RESOLUTION~~ NO. S-209-92 on the 22nd day of December, 1992

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1992, at the hour of 11:00 o'clock A. ,M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 2nd day of January, 1993, at the hour of 10:00 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 1616 for the purchase of type I bulk rock salt for the Street Department.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Salt is used for de-icing streets during winter snow removal.

IF REPLACEMENT, WHAT NECESSITATES: S-92-12-02

EFFECT OF NON-PASSAGE: The City would be unable to apply de-icing agent to slippery street causing a safety hazard to the public.

MONIES INVOLVED: Akzo Salt Inc. $943500.00+/-

ACCOUNT INFO: Street Department 128-128-1201-4274

PRICE AGREEMENT: YES

PURCHASE ORDER: NO

SOURCE OF FUNDING: Street Department

PRIOR APPROVAL: No DATE:
(IF APPLICABLE)

BILL NO. S-92-12-02

REPORT OF THE COMMITTEE ON
FINANCE

MARK E. GiaQUINTA, CHAIR
DONALD J. SCHMIDT, VICE CHAIR
EDMONDS, RAVINE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding of Reference #1616 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and AKZO SALT INC. for the Street Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC

DATED: 12-22-92

Sandra E. Kennedy
City Clerk